

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA,)
v.)
AARON FARROW,)
Defendant)
Criminal No. 10-224

MEMORANDUM OPINION

CONTI, Chief District Judge.

Now pending before the court is a pro se request for relief filed by defendant Aaron Farrow (“Farrow”), with two supplemental letters to the court. (ECF Nos. 630, 631, 632). The court construes Farrow’s handwritten letters as a motion to reduce his sentence. A response from the government is not necessary.

On January 23, 2013, Farrow pleaded guilty in this court to counts one, three, and five of the second superseding indictment filed at Criminal Action No. 10-224. He was sentenced on June 12, 2013 to a term of imprisonment of: 28 months of imprisonment at each of counts 1 and 3 to be served concurrently with each other, and 42 months of imprisonment at count 5 to be served consecutively to the sentence imposed at counts 1 and 3. (*See Judgment, ECF No. 499.*) The judgment also provided that “8 months of the 28-month term of imprisonment at each of counts 1 and 3 of the second superseding indictment shall be concurrently served with any sentence imposed with respect to defendant’s pending state court charges at criminal action no. 9699-2012.” *Id.* In summary, it is clear from the face of the judgment that Farrow must: (1)

first serve his entire state sentence; (2) then serve the remaining 20 of the 28 months of his federal sentence at counts 1 and 3 which must be served consecutively to the state sentence; and (3) then serve 42 months of imprisonment at count 5 of the federal sentence, which must be served consecutively to the federal sentence at counts 1 and 3. Farrow must serve a total of 62 months in federal custody after the completion of his state sentence.

In the current motion, Farrow reports that he completed his state sentence and engaged in substantial efforts to rehabilitate himself. He asks for his federal sentence to be modified to run concurrent with his state sentence so that he can obtain his release from prison. Farrow also requests that his CJA attorney, Stanley Greenfield, be removed from the case. Greenfield represented Farrow in the underlying federal case and was reappointed in May 2017 when Farrow first raised a question about the interaction of his state and federal sentences. (ECF No. 609).

The court lacks jurisdiction to grant the relief requested by Farrow. Pursuant to 18 U.S.C. § 3582(c), “the court may not modify a term of imprisonment once it has been imposed” unless the request falls within certain narrow, limited exceptions provided in the statute (i.e., a motion for compassionate release filed by the Bureau of Prisons, a motion filed by the government pursuant to Federal Rule of Criminal Procedure 35, or subsequent lowering of the sentencing range.) *See, e.g., United States v. Thompson*, No. 1:12-CR-194-20, 2017 WL 4418457, at *1 (M.D. Pa. Oct. 5, 2017) (“Federal courts have no inherent authority to modify a sentence at any time”) (citations omitted).

Farrow has not pointed to any facts to overcome the general rule of finality in sentencing. The court, therefore, cannot modify his sentence. Attorney Greenfield’s appointment under the

CJA is terminated forthwith, as Farrow requests.

An appropriate order follows.

By the court:

Date: April 10, 2018

/s/ JOY FLOWERS CONTI

Joy Flowers Conti

Chief United States District Judge

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ORDER

AND NOW, this 10th day of April, 2018, it is HEREBY ORDERED that for the reasons set forth in the accompanying memorandum opinion, the pro se motion for reduction of sentence filed by defendant Aaron Farrow (ECF No. 630) is DENIED. Attorney Greenfield's appointment under the CJA is terminated forthwith.

By the court:

/s/ JOY FLOWERS CONTI
Joy Flowers Conti
Chief United States District Judge